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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JARRITOS, INC.,

Plaintiff,

v.

LOS JARRITOS, DOLORES REYES and  
FRANCISCO REYES d/b/a LOS JARRITOS,

Defendants.

Case No. C 05-2380 JSW

JOINT MISCELLANEOUS REQUEST FOR  
CLARIFICATION

Plaintiff Jarritos, Inc. and Defendants Los Jarritos, Dolores and Francisco Reyes,  
(hereinafter the "Parties") jointly request clarification from the Court concerning the close of

1 expert discovery, currently set for December 20, 2006; *i.e.* whether it has been extended by two  
2 months in conformance with previous rulings of the Court.

3 In a previous Joint Motion to Extend Deadlines Set in the Case Management Conference,  
4 the Court in an Order dated August 3, 2006 extended the close of fact discovery to October 23,  
5 2006 and the close of expert discovery to December 20, 2006. A subsequent Court Order dated  
6 September 19, 2006 further extended the close of fact discovery for the purpose of addressing  
7 new issues raised by Defendant's Amended Answer by ninety (90) days from the issuance of the  
8 Order. A Clerk's Order was also issued on September 19, 2006 extending the deadline to hear  
9 Dispositive Motions to February 9, 2007, setting the Pretrial Conference date for May 7, 2007  
10 and setting the Trial Date for June 4, 2007.

12 Subsequently, in an Order dated October 26, 2006 the Court, in response to Defendants'  
13 "Motion for Administrative Relief" and Plaintiff's "Consent Motion" in response thereto,  
14 granted "the request to extend the discovery deadline for all discovery until December 17, 2006.  
15 This will be the final extension of time for discovery in this matter." The parties seek clarity as to  
16 whether this consolidation of the close of fact discovery also affects the close of expert  
17 discovery.

19 The parties previously agreed in a CMC Statement that the close of expert discovery  
20 would conclude two months after the close of fact discovery. Therefore, the parties seek  
21 clarification as to whether the parties are correct in their belief that by the Court's Order dated  
22 October 26, 2006 the close of expert discovery previously set for December 20, 2006 shall be  
23 extended to February 16, 2007, sixty (60) days after the close of fact discovery.

24 Accordingly, the parties, by their undersigned counsel, hereby stipulate, and respectfully  
25 request that the Court issue an Order confirming that the deadline for the close of expert  
26

discovery shall be February 16, 2007. Secondly, the parties also wish to stipulate, and request that the Court so order, that each party must disclose experts (and provide expert witness reports) or before January 17, 2007.

To summarize, the remaining deadlines and dates in this case, should the Court so order, would be as follows:

Close of Expert Discovery: February 16, 2007

Deadline to Disclose Experts: January 17, 2007

Last Day to HEAR Dispositive Motions: February 9, 2007

Pretrial Conference: May 7, 2007

Trial Date: June 4, 2007

November 20, 2006

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By: /s/  
NEIL S. SMITH  
Attorneys for Plaintiff

November 20, 2006

LAW OFFICE OF ROY S. GORDET

By: /s/  
ROY S. GORDET  
Attorney for Defendants

GOOD CAUSE APPEARING, IT IS SO ORDERED.

Date: December 6, 2006

Jeffrey S. White  
Judge, United States District Court